

John Boehner
Chairman
8th District, Ohio

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:

H.R. 2266—FY 1998 Defense Appropriations Act (Conference Report)

**H.R. 2267—FY 1998 Commerce, Justice, State, and the Judiciary
Appropriations Act**



H.R. 2266—FY 1998 Defense Appropriations Act (Conference Report)

Floor Situation: The House will consider the conference report to H.R. 2266 as its first order of business today. Conference reports are privileged and may be considered anytime three days after they are filed; they are debatable for one hour, may not be amended, and are subject to one motion to recommit. Yesterday, the Rules Committee granted a rule waiving all points of order against the conference report and its consideration.

Summary: The conference report to H.R. 2266 appropriates \$247.7 billion in new FY 1998 budget authority—\$3.2 billion more than last year and \$627 million less than the House-passed bill—to sustain military personnel, develop and purchase military hardware, and maintain the operational readiness of U.S. military forces. The bill does not make appropriations for military construction, military family housing, civil defense, or nuclear activities, which are provided for in other bills. When CBO scorekeeping adjustments are taken into account, the bill is approximately equal to the subcommittee's current 602(b) allocation. The conference report was submitted by Mr. Young (FL).

Views: The Republican leadership supports passage of the conference report. An official Clinton Administration viewpoint was unavailable at press time.

Additional Information: See *Legislative Digest*, Vol. XXVI, #22, July 25, 1997, and #26, Pt. II, September 24, 1997.



H.R. 2267—FY 1998 Commerce, Justice, State, and the Judiciary Appropriations Act

Floor Situation: The House will continue considering H.R. 2267 after it completes consideration of the conference report to H.R. 2266. Yesterday, the House completed general debate and began considering amendments to the bill under an open rule. The rule waives all points of order against consideration of the bill, as well as House rules which prohibit unauthorized appropriations, legislative provisions in an appropriations bill, and reappropriations. It makes in order three specific amendments—by Mr. Hyde, Messrs. Mollohan and Shays, and Mr. Burton, each debatable for the amount of time specified below—and waives points of order against them. The rule accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, provided that it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 2267 appropriates \$25.9 billion for the departments of Commerce, Justice, and State, the federal judiciary, and 18 related agencies, \$764 million more than last year and \$353 million less than President Clinton requested. Together with \$5.3 billion from the Violent Crime Reduction Trust Fund plus mandatory programs, the bill provides a total of \$31.7 billion in new budget authority. The bill focuses on enhancing numerous crime enforcement and reduction initiatives, providing increased funding for (1) states to develop national sex offender registries, (2) violence against women programs, (3) missing and exploited children programs, (4) state and local law enforcement assistance from programs such as the president's COPS on the Beat initiative and the local law enforcement block grant, (5) enhanced border patrol and criminal alien assistance programs, (6) state prison grants, including over \$60 million for state prisoner drug treatment programs, and (7) juvenile crime and prevention programs. Additionally, the bill provides \$3.2 billion for the federal court system, mostly for salaries and administrative expenses. The bill also establishes an expedited judicial review process to determine the constitutionality of sampling and other statistical adjustment procedures when conducting the national census for apportionment and redistricting purposes, and imposes a temporary injunction on the use of funds provided in the bill until a legal determination has been made. CBO estimates that enactment of H.R. 2267 will result in net outlays of \$21.3 billion in FY 1998, \$5.6 billion in FY 1999, \$2.9 billion in FY 2000, \$1.8 billion in FY 2001, and \$143 million in FY 2002 and beyond. H.R. 2267 was submitted to the House by Mr. Rogers and was reported by the Appropriations Committee by voice vote on July 25, 1996.

Views: The Republican Leadership supports passage of the bill. An official Clinton Administration viewpoint was unavailable at press time. Unofficially, however, administration officials have expressed opposition to several provisions in the bill, including (1) reduced levels of funding for the Legal Services Corporation (LSC), (2) elimination of the Advanced Technology Program, and (3) restrictions on current funding for the Census Bureau to use statistical sampling in the 2000 census.

Amendments: Yesterday, the House completed debate, but did not vote on, the following five amendments:

- * an amendment by **Mr. Coburn** (#35) to transfer \$74 million from the Commerce Department's Advanced Technology Program (ATP) to the Justice Department's Juvenile Justice and Delinquency Prevention Act grants program. The sponsor asserts that funding for ATP is essentially "corporate welfare" which should be elimi-

nated, and that the funding would be better spent on juvenile intervention programs which help at-risk youth and avert incidences of juvenile crime. **Staff Contact: Matt Rader, x5-2701**

- * an amendment by **Mr. Hyde** to modify section 616 of the bill, which contains a provision allowing members of Congress and their staffs to recover attorney's fees when they prevail in a federal criminal prosecution. Mr. Hyde's amendment preserves this reimbursement protection, but expands it to apply to any defendant who prevails in a federal prosecution, unless the government establishes that it was substantially justified in prosecuting the case or that an award of attorneys' fees would be unjust. The Hyde amendment addresses two concerns of some critics of language contained in the bill. Amendment supporters assert that allowing only House members and staff to receive reimbursement for an unsuccessful prosecution is too narrow an application for this provision, and too broad because it allows defendants to be reimbursed when their case is dismissed even if the prosecution of the case was justified (such as if the case gets dismissed on a procedural ground having nothing to do with the merits of the case itself). Amendment supporters also contend that no additional costs are associated with the amendment, as funds for reimbursement awards will come from money already appropriated to the agency that improperly initiated the lawsuit. **Staff Contact: Jon Dudas (Judiciary Committee), x5-3951**
- * an amendment by **Ms. Norton** (#32) to strike bill language which prohibits the use of funds to perform abortions in the Federal Prison System. This restriction has been included in the bill for the last two years. **Staff Contact: Jon Bouker, x5-8050**
- * an amendment by **Mr. Scott** (#53) to reduce funding for the Violent Offender Incarceration and Truth in Sentencing Incentive Grants by \$259 million. The amendment redistributes the funding to provide an additional (1) \$80 million for criminal alien incarceration in California under the Violent Offender Incarceration and Truth in Sentencing Incentive Grants; (2) \$13 million for the Court Appointed Special Advocate program; (3) \$8 million for child abuse training programs for judicial personnel and practitioners; (4) \$40 million for the Grants to Combat Violence Against Women program; (5) \$37 million for residential substance abuse treatment for state prisoners; (6) \$77 million for drug courts; and (7) \$4 million for Law Enforcement Family Support programs. **Staff Contact: Bobby Vassar, x5-8351**
- * an amendment by **Ms. Waters** (#55) to transfer \$30 million from the "truth in sentencing" construction account to federal drug courts, boosting funding for drug courts to \$60 million. **Staff Contact: Mike Schmitz, x5-2201**

At press time, the *Legislative Digest* was aware of the following other amendments to H.R. 2267. Unless otherwise indicated, amendments are debatable under the five-minute rule, which provides five minutes to a proponent, five minutes to an opponent, and five minutes to any member who rises to strike the last word.

Mr. Barr may offer an amendment (#16) to prohibit funding in the bill from being used to conduct studies of the medicinal use or legalization of marijuana. **Staff Contact: Glee Smith, x5-2931**

Mr. Bartlett may offer either one or two amendments (#2 or #3) to strike a total of \$100 million in funding to pay dues arrearages to the United Nations. The author contends that, according to a 1996 GAO report, U.S. costs paid toward U.N.-led peacekeeping operations in Haiti, the former Yugoslavia, Rwanda, and Somalia exceeded \$6 billion from 1992-1995. Only a portion of that amount has been credited toward dues payments on behalf of the U.S., leaving enough funds to pay for any dues arrearages without providing additional appropriations. While the GAO report does not contend that the U.N. owes money to the U.S., amendment supporters assert that the U.N. should consider a final disposition of the unobligated money already paid by the U.S.—over \$4 billion. Opponents, however, contend that the amendment undermines the agreement reached between Congress and the president to pay the U.S. debt while affecting much needed reforms at the U.N., including reductions in U.S. contributions to the U.N. regular and peacekeeping budgets. Additionally, they argue that the peacekeeping activities in question were not U.N.-led, and the U.N. does not reimburse countries for peacekeeping that the countries may decide to do on their own. Countries that are members of the U.N. customarily engage in non-U.N. operations while expecting no reimbursement for their efforts in return. *Staff Contact: Randy Stephens, x5-2721*

Mr. Bass may offer an amendment (#8) to eliminate \$185 million for the Commerce Department's Advanced Technology Program (ATP) by striking all language in the bill that provides ATP funding. Critics believe that the advanced technology program is corporate welfare and should not be tolerated during a time of significant budgetary constraints. However, advocates of the program argue that it plays an essential role in helping to develop the high-risk technologies that will dominate the future. *Staff Contact: David Leland, x5-5206*

Mr. Burton may offer an amendment (#17 or #45), debatable for 30 minutes, to require that programs funded by the Legal Services Corporation (LSC) must disclose basic information about litigation in which LSC funding recipients are involved. The information includes (1) the names and addresses of the persons involved in the lawsuit, (2) the nature of the lawsuit, (3) the location where the suit is filed, and (4) the case number of the suit. LSC grantees must file the disclosure reports with LSC on a quarterly basis (or semi-annually in the second amendment). The amendment makes an exception to the disclosure requirement in instances where the names of parties to the lawsuit may not be disclosed for security reasons. Amendment opponents claim that such disclosure requirements are burdensome and intrusive, and possibly a violation of attorney/client privileges, for LSC grantees and parties to legal action represented by them. However, supporters assert that, while LSC is subject to provisions of the Freedom of Information Act (FOIA), most of its funding recipients are not. By disclosing basic lawsuit information—which is already publicly accessible through courts themselves—the public can be informed of the everyday work of the LSC and recipients of its funding. *Staff Contact: Mary Valentino, x5-2276*

Messrs. Coburn, Peterson (PA), and Ms. Emerson may offer an amendment to prohibit funds from being used to support the U.S. Man and the Biosphere program (USMAB). USMAB is administered through the State Department and works with the U.N. Educational, Scientific, and Cultural Organization (UNESCO) to establish biosphere reserves. USMAB has never been authorized by Congress and has no congressional oversight. Funding for the entire program approaches \$1 million annually. *Staff Contact: Neil Bradley (Coburn), x5-2701*

Mr. Cummings may offer an amendment (#1) to transfer \$199 million to the Legal Services Corporation (LSC), for a total level of \$340 million. The increase is offset by a corresponding funding decrease in the State Department's International Broadcasting Operations account. *Staff Contact: Jonathan Alexander, x5-4741*

Mr. Doggett may offer an amendment (#4) to prohibit the use of any funds in the bill to promote the sale or export of tobacco products, or to remove or reduce marketing restrictions on the export of U.S. tobacco products to other countries. *Staff Contact: Matt Miller, x5-4865*

Mr. Forbes may offer one of two amendments (#46 or #47) to prohibit funding in the bill from being used toward (1) the Gaza Waste Water Project, or (2) any development projects in Gaza or the West Bank. *Staff Contact: Fred Dombo, x5-3826*

Messrs. Fox, Weller, Brady, Snowbarger, and Pappas may offer an amendment to prohibit funds in the bill from being made available to the Palestinian Broadcasting Corporation (PBC). The PBC is currently used to promote an agenda that is pro-Palestinian Authority while employing anti-American rhetoric, which are of concern to amendment supporters because of the potential to hinder the peace process underway between Israelis and Palestinians. *Staff Contact: Kristen McSwain (Fox), x5-6111*

Mr. Gallegly may offer an amendment to establish a commission to study structural alternatives for the federal courts of appeals, paying particular attention to the Ninth Judicial Circuit. The commission must report to the president and Congress no later than 18 months after its members are appointed, and make recommendations to alter judicial circuit boundaries. Currently, the Senate CJSJ appropriations measure includes language to split the Ninth Circuit into two separate circuits. The sponsor argues that such a move should not be undertaken without careful study or the input or endorsements of the judges and judicial organizations involved. *Staff Contact: Steve Stombres, x5-5811*

Mr. Hefley may offer an amendment (#18) to reduce funding for the Economic Development Administration's trade adjustment assistance program to \$250 million, a reduction of \$90 million. The amendment adjusts funding to match that of the corresponding Senate measure for this program. *Staff Contact: Herman Stockinger, x5-4422*

Messrs. Hostettler, Royce, and Bass may offer an amendment (#12) to reduce all funding for the Commerce Department's Advanced Technology Program (ATP) to \$10 million. The amendment prohibits the ATP from awarding any new contracts, as the intent of the amendment is to provide only enough funding to shut down the program. *Staff Contact: Michael Hurt (Hostettler), x5-4636*

Mr. Hostettler may offer an amendment to reduce funding for the ATP to \$84 million, a decrease of \$101 million. *Staff Contact: Michael Hurt, x5-4636*

Mr. Hostettler may offer an amendment (#27) to reduce funding for the Commerce Department's Industrial Technology Services account to \$74.1 million from its current level of \$114 million. *Staff Contact: Nancy Juday, x5-4636*

Mr. Hoekstra may offer an amendment (#36) to prohibit the use of federal funds for a court-appointed election officer to oversee any future Teamster election. The federal government has used federal funds to oversee two Teamster elections as required by a 1993 court order. *Staff Contact: Amy Plaster, x5-4401*

Mr. Hoekstra may offer an amendment (#37) to prohibit the use of federal funds to oversee a rerun of the 1996 Teamster election, unless the president certifies that the Teamsters do not have sufficient funds to conduct the rerun. If the president makes such a certification, the Labor Department may provide a loan to the Teamsters. Last fall, the federal government spent \$20 million to supervise a mail-in election. Three weeks ago, the results of the election were voided and a new election has been recommended by a federal court election monitor because of finance violations. *Staff Contact: Amy Plaster, x5-4401*

Ms. Jackson-Lee may offer an amendment (#19) to require the Justice Department to enter into a contract with the National Academy of Sciences to study pornography on the Internet and ways in which its access may be restricted to minor children. The study will last for two years and cost up to \$750,000 to conduct. The amendment requires that the study be funded from various general accounts within the Justice Department. *Staff Contact: Lillie Coney, x5-3816*

Mr. Kennedy (MA) may offer an amendment (#13) to increase funding for the Federal Trade Commission (FTC) by \$2 million, providing a net appropriation of \$27 million. *Staff Contact: Heather Mizeur, x5-5111*

Mr. Kennedy (MA) may offer an amendment (#14) to prohibit any funds in the bill from being used for the Commerce Department's Access Mexico Program. Currently, the department maintains a database which keeps track of Mexico's environmental laws, regulations, and standards as they affect U.S. businesses which operate there. The database was established in 1996; at its inception, Congress authorized a \$500,000 grant to the U.S.-Mexico Chamber of Commerce to administer a similar database program, albeit separate from that belonging to the Commerce Department. To date, however, the Chamber of Commerce has been determined to be ineligible to receive the grant funding, and the funds remain unobligated within the Commerce Department budget. Thus, the amendment rescinds the grant funding for the U.S.-Mexico initiative because the money has not yet been spent and the program is duplicative. *Staff Contact: Heather Mizeur, x5-5111*

Mr. Kennedy (MA) may offer an amendment (#28) to increase funding for the Federal Trade Commission's salaries and expenses account, an increase of \$2 million to \$97 million. The additional funding is provided by an offsetting reduction of \$3 million from the State Department's International Broadcasting Operations account. *Staff Contact: Heather Mizeur, x5-5111*

Mr. Kleczka may offer an amendment (#58) to prohibit funds from being used to purchase or install live fingerprint scanners in INS field offices, as well as card scanners in INS service centers, unless the INS refunds all fees it received for designated fingerprinting service (DFS) certification as provided under current law. The INS must make such refunds within six months of enactment. *Contact: x5-4572*

Mr. Kucinich may offer an amendment (#7) to add \$500,000 to the direct appropriation for the Federal Communications Commission (FCC), resulting in a total appropriation of \$35 million. The purpose of the amendment is to provide sufficient funding for the FCC's Common Carrier Bureau to administer and implement new regulations on newly-created area codes nationwide. *Staff Contact: Jaron Bourke, x5-5871*

Ms. Lofgren may offer an amendment (#25 or #48) to increase funding for NOAA's Operations, Research and Facilities account by \$4.9 million. The amendment offsets the increase by decreasing

funding for the SBA's disaster relief funding by \$4.9 million. The sponsor intends that the increased funding be used to enhance NOAA's climate observation abilities, which serves to better predict U.S. weather patterns and can be used to predict patterns of severe weather activity. **Staff Contact:** *Jonathan Masur, x5-3072*

Ms. Lofgren may offer an amendment (#59) to increase funding for NOAA's Operations, Research and Facilities account by \$4.9 million. The amendment offsets the increase by decreasing funding for the National Institute of Standards and Technology by \$26.1 million. **Staff Contact:** *Jonathan Masur, x5-3072*

Ms. Lowey may offer an amendment (#29 or #38) to increase funding for NOAA's Operations, Research and Facilities account by \$2.5 million. The additional funding is intended for implementing the nonpoint source pollution control program as authorized in the 1990 Coastal Zone Reauthorization Act. **Staff Contact:** *Todd Preston, x5-6506*

Ms. Lowey may offer an amendment (#60) to increase funding for NOAA's National Ocean Service (NOS) account by \$1 million. The additional funding is provided by a corresponding decrease in funding for NOAA's fleet maintenance account. **Staff Contact:** *Todd Preston, x5-6506*

Messrs. Miller (CA) and Spratt, and Ms. Mink may offer an amendment to increase funding for the Office of U.S. Attorneys to provide legal services to abused workers in the U.S. Commonwealth of the Northern Mariana Islands (CNMI). The authors contend that numerous widespread personal and employment abuses are suffered each year by thousands of women—who mostly come from Vietnam and the Philippines—who work in low-wage and oppressive jobs and are forced into prostitution while ostensibly recruited from their native countries to take jobs in foreign-owned garment companies. These workers, the authors claim, are unable to seek legal recourse for fear of being sent home and losing their incomes, or even face physical harm or death. **Staff Contact:** *Carrie Moore (Resources Committee), x5-6065*

Mr. Miller (CA) may offer one of two amendments (#39 or #40) to increase funding for the Justice Department's U.S. Attorneys salaries and expenses account by \$100,000. Amendment #40 offsets this increase by reducing funding in the Justice Department's General Legal Activities account by an equal amount. **Staff Contact:** *Carrie Moore (Resources Committee), x5-6065*

Messrs. Mollohan, Fox, and Ramstad may offer an amendment to increase funding for the Legal Services Corporation by \$109 million, for a total appropriation of \$250 million. The authors contend that LSC programs are important to ensure access to justice for low-income Americans. The bill provides \$141 million in funding, which the supporters claim is not enough for LSC to provide its services to an underserved portion of the population. **Staff Contacts:** *Sally Gaines (Mollohan), x5-4172; Brian Tynan (Fox), x5-6111*

Messrs. Mollohan and Shays may offer an amendment, debatable for 80 minutes, to strike restrictive language in the bill regarding the 2000 census. Currently, the bill provides \$382 million for the Census Bureau's efforts related to the 2000 census; however, it allows only \$100 million to be available immediately to the bureau and stipulates that none of these funds may be used toward any preparations to use "sampling" census-taking methods. The amendment removes the funding restriction and allows all \$382 million to be immediately available to the bureau. However, the amendment stipulates that the funds may not be used to implement irreversible plans or preparations for the

use of sampling or other statistical methods. Finally, the amendment creates a Board of Observers for a Fair and Accurate Census to oversee the discussion of, and decision-making processes for, census procedures for the 2000 census initiative. *Staff Contact: Liz Whyte, x5-4172*

Ms. Rivers may offer an amendment (#23) to strike bill language which allows members and staff employed by the House to be reimbursed for legal expenses incurred as a result of a Justice Department investigation connected with their official duties as House members or employees. *Staff Contact: Michael Gorges, x5-6261*

Messrs. Sanders, Rohrabacher, DeFazio, Ney, and Stearns may offer an amendment (#9) to increase funding for the office of the U.S. Trade Representative (USTR) by \$1 million, bringing its total funding to \$22.7 million. The increase is offset by a corresponding \$1 million decrease in the general administration account. The intent of the amendment is to equip the USTR to protect federal, state, and local laws which are adversely affected by international trade and investment agreements. *Staff Contacts: Bill Goold or Brendan Smith (Sanders), x5-4115*

Mr. Schumer may offer an amendment (#33, #34, #41, #42, or #50) to withhold two percent of the State Department's funding for salaries and expenses—a total of \$7.3 million—until it releases its list of designated foreign terrorist groups as required by the 1996 Antiterrorism and Effective Death Penalty Act (P.L. 104-132). *Staff Contact: Bill McGeeveran, x5-6616*

Mr. Schumer may offer one of two amendments (#51 or #52) to (1) prohibit funding in the bill from being given to states for their portions of the National Sexual Offender Registry if, within that state's laws, consensual sodomy between adults is a sex crime for which persons convicted must be entered in the state's sex offender registry, or (2) limit to 90 percent the amount of funding available to states which criminalize consensual sodomy. *Staff Contact: Bill McGeeveran, x5-6616*

Mr. Scott may offer an amendment (#10) to transfer \$259 million from the Justice Department's State Prison Grants (SPG) program to the Juvenile Justice Program (JJP), bringing total funding for the JJP to \$422 million. *Staff Contact: Bobby Vassar, x5-8351*

Mr. Scott may offer an amendment (#11) to require that federal, state, or local law enforcement agencies which receive funding from the Justice Department must submit information to the Attorney General regarding the death of any individual who is in law enforcement custody for committing a crime. *Staff Contact: Bobby Vassar, x5-8351*

Mr. Smith (NJ) may offer an amendment (#54) to prohibit funding from being used for State Department salaries or expenses if department officials or employees allow private entities to assess fees to U.S. citizens for information about U.S. passports. *Staff Contact: Joseph Reese, x5-5748*

Mr. Traficant may offer an amendment (#24) to require that any local government or law enforcement entity which uses funding provided in the bill to hire or rehire career law enforcement officers must prioritize its hiring to increase the number of officers placed on active patrol over those hired to perform administrative duties. *Staff Contact: Paul Marcone, x5-5261*

Ms. Velazquez may offer an amendment (#61) to prohibit funding from being used to deport or remove from the U.S. any alien with certain assigned INS numbers. *Contact: x5-2361*

Ms. Waters may offer an amendment (#62) to direct the Drug Enforcement Agency (DEA) to allocate five agents to study the impact of (1) the World Trade Organizations' (WTO) recent decision to discontinue the relationship between Caribbean countries and the European Union on trade, (2) the erosion of the ability of Caribbean countries to be independent, and (3) increased drug trafficking in the Caribbean region. The agents will be chosen from a provision in the bill which grants \$34 million to a new Caribbean Anti-Drug Initiative which is designed to prevent South American drug traffickers from using Puerto Rico and other Caribbean countries to export drugs into the U.S. *Staff Contact: Mike Schmitz, x5-2201*

Mr. Weygand may offer an amendment to extend until June 1, 1998, the time during which local or state law enforcement agencies and other designated fingerprinting services (DFSs) may continue to offer fingerprint services to immigrants admitted into the U.S. by the INS. The INS fingerprint identification cards are used in criminal background checks under the 1996 Immigration and Naturalization Act (*P.L. 104-208*). The bill's current deadline is March 1, 1998. The author intends to provide enough time for the INS to transition into its new fingerprinting system by purchasing equipment and conducting employee training. *Staff Contact: Chris Labonte, x5-2735*

Additional Information: See *Legislative Digest*, Vol. XXVI, #24, Pt. II, September 8, 1997.



PLEASE NOTE: UNDER AN OPEN RULE, MEMBERS MAY OFFER NEW AMENDMENTS TO A BILL AT ANY TIME, REGARDLESS OF WHETHER THEY HAVE BEEN PRE-PRINTED IN THE *CONGRESSIONAL RECORD*.

Brian Fortune: *Editor*

S. Kevin Washington:
Senior Legislative Analyst

Melissa Decker, Jimmy Papadimitriou,
Becci Roberts, Kevin Smith:
Legislative Analysts

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Amendment

Alert!

Please attach the text of the amendment (if available) and fax to the *Legislative Digest* at x5-7298

John Boehner
Chairman
8th District, Ohio

Member Sponsoring Amendment: _____ Bill #: _____

Additional Co-sponsors (if any): _____

Staff Contact: _____ Phone #: _____ Evening Phone #: _____

Description of the amendment: _____

(Please include any additional or contextual information)

Reason for offering amendment (e.g., How will this change the bill or current law? Why should members support this change?): _____

Legislative Digest reserves the right to edit descriptions for style, readability, and provisional accuracy.

1013 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, DC 20515 (202) 226-2302